



# Uniform Law Commission

The National Conference of Commissioners on Uniform State Laws



BUSINESS & LABOR

EXHIBIT NO. 2

DATE 2-23-15

BILL NO. SB 306



Contact Us: 312.450.6600

## Why States Should Adopt RULONA

The **Revised Uniform Law on Notarial Acts (RULONA)** was approved by the National Conference of Commissioners on Uniform State Laws (NCCUSL or ULC) at its 2010 Annual Meeting. This Act updates and modernizes the 1982 Uniform Law on Notarial Acts, which itself was an update of the Uniform Recognition of Acknowledgements Act of 1968. Indeed, the ULC first addressed the issue in 1892 with its Uniform Acknowledgement Act. The 2010 revision was prompted by increasing variation amongst the states in their treatment of notaries public and notarial acts, by increasing nationalization of the banking and finance industries which exacerbated the problem of dealing with separate requirements in each locality, and with the evolution and expanding adoption of electronic communications and records in commercial transactions. RULONA is designed to modernize and clarify the law governing notaries public, their responsibilities and duties, and to provide a stable infrastructure for the performance of notarial acts with respect to electronic records.

RULONA harmonizes treatment of notarization of all records, whether on paper or electronic. It works together with the Uniform Electronic Transactions Act (1999) and the federal Electronic Signatures in Global and National Commerce Act (2000), as well as the Uniform Real Property Electronic Recording Act (2005). **RULONA** contains provisions which:

- Require that notarizations be performed by notarial officers: commissioned notaries public, judges and their clerks, and others, including attorneys, as authorized by other state law.
- Prohibit notarial officers from acting in any transaction in which the officer or his or her spouse, is a party or has a direct beneficial interest.
- Prohibits notarial officers from using the title "notario publico" and outlaws false and deceptive advertising.
- Requires notaries who do advertise to state they cannot practice law or act as immigration counselors.
- Requires any person seeking a notarization to appear in person before the notarial officer.
- Requires the notary to verify the identity of the person and to witness the signature or receive an acknowledgement or verification of the signature.
- Permits a notarial officer to refuse to act if satisfactory identification is not provided or if not otherwise satisfied by the interaction. The notary may not refuse to act, of course, if the refusal would be prohibited by other law.
- Requires a notary to evidence any notarial acts by certificates attached to the notarized record. Specifies the contents of the certificate and provides for form and content.
- Provides for recognition of valid notarizations from other states, from federally recognized American Indian tribes or nations, or under federal law or the law of foreign nations.

- Provides minimum standards for receiving a commission, including optional provisions for surety bonds and the examination of applicants. Also includes optional provisions for the maintenance of journals of notarial acts.
- Allows the commissioning authority to establish rules for the implementation of the act and standards for notarization of electronic records.
- Implementing the provisions of the Uniform Electronic Transactions Act and the federal Electronic Signatures in Global and National Commerce Act, specifies the conditions for notarization of electronic records.

**RULONA** carries forward the traditional principles that notarial officers and the public understand and use, dedicated to preserving the integrity and reliability of notarized transactions. It recognizes and facilitates the notarization of electronic records and harmonizes their use with widely adopted state and federal laws dealing with electronic commercial transactions. It should be enacted in each state as soon as possible.

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February 21, 2015

The Honorable Ed Buttrey, Chair, and Members  
Senate Business, Labor, and Economic Affairs Committee  
Montana Senate  
PO Box 200500  
Helena, MT 59620-0500

RE: Support for SB 306

Dear Senator Buttrey and Honorable Committee Members:

I currently serve as the Special Advisor on Digital Identity to the Commonwealth of Virginia. In this capacity, as well as serving as a Virginia e-notary and having been an author of the Virginia online notary law, I strongly support the enactment of SB 306, including the provisions that authorize Montana notaries to perform online/remote notarizations.

Since original enactment of electronic notarization authorization in 2007, experience has shown that giving notaries the capability of performing notarial acts in the online environment and e-commerce has been highly valued by the business community, consumers, and government. To date, there have been no reported instances of notarial fraud or lack of court acceptance of electronically notarized documents. As a practicing electronic notary, I can attest to the power of this authorization, especially in property-related transactions.

Please do not hesitate to contact me should have any questions about this letter of support or desire more information about the experience with the Virginia online notarization law.

Regards,



Timothy S. Reiniger